(c) Review by Government on the working of the Board.

(d) Statements giving reasons for the delay in laying the papers mentioned at I to IV above.

[Placed in Library. *See* No. LT-7710 / 89 for (a) to (d).]

I. Report and Accounts (1987-88) of the National Federation of State Cooperative Banks Limited, Bombay and related papers.

***II. Report and Accounts (1987-88) of* the National Cooperative Agriculture and Rural Development Banks Federation Limited, Bombay and related papers.**

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURAL RESEARCH AND EDUCATION IN THE MINISTRY OF AGRICULTURE (SHRI HARI KRISHNA SHASTRI): Madam, I beg to lay on the Table a copy each (In English and Hindi) of the following papers :—

(I) (a) Twenty-fifth Annual Report of the National Federation of State Cooperative Banks Limited, Bombay, for the year 1987-88.

(b) Annual Accounts of the National Federation of State Cooperative Banks Limited, Bombay, for the year 1987-88 and the Auditors' Report thereon.

(c) Review by Government on the working of the Federation.

[Placed in Library. *See* No. LT-7699 / 89 for (a) to (c)].

(II) (a) Twenty-eighth Annual Report of the National Cooperative Agriculture and Rural Development Banks Federation Limited, Bombay, for the year 1987-88.

(b) Annual Account's of the National Cooperative Agriculture and Rural Development Banks Federation Limited, Bombay, for the year 1987-88 and the Auditors' Report thereon.

(c) Review by Government on the working of the Federation.

[Placed in Library. *See* No. LT-7700 / 89 for (a) to (c)].

RE. CRICKET MATCH BETWEEN MEMBERS OF RAJYA SABHA AND LOK SABHA

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Madam, this House should record its appreciation of the excellent batting by Shri Kamalendu Bhattacharjee and Shri Anand Sharma in Saturday's cricket match.

THE DEPUTY CHAIRMAN: We should also record your very efficient captaincy.

SHRI SUBRAMANIAN SWAMY: Under your inspiration.

श्री शान्ति त्यागी (उत्तर प्रदेश): महोदया, ठक्कर कमीशन की रिपोर्ट... **(व्यवधान)**

उपसभापति : आपने लिख कर दिया है। काफी लोगों ने लिख कर दिया है। सब लोगों को बोलने का समय मिलेगा। तो आप पहले यह तय कर ले कि पहले कौन बोले और बाद में कौन बोले।

RE. THAKKAR COMMISSION OF INQUIRY REPORT

श्री जसवंत सिंह (राजस्थान) : आप और हम अलग नहीं है ।

उपसभापति : अलग इस सिलसिले में, कि आप बोलते हैं और हम सुनते हैं, यह तो डिफरेन्स है ।

श्री अटल बिहारी वाजपेयी (मध्य प्रदेश) : जब आप बोलते हैं तो हम चुप रहते हैं ।

उपसभापति : काश कि ऐसा होता हमेशा ।

SHRI M. S. GURUPADASWAMY (Karnataka): Madam, Deputy Chairman, I recall our demand which the Opposition leaders made last week in respect of the Thakkar Commission Report. We decided with the Chairman that today and tomorrow should be devoted to discussing this Report. As we made it very clear earlier, unless the entire material is placed before us, the House would be handicapped to debate the matter fully and meaningfully. Therefore, we made a request to the Chairman to have the entire material made available to us before we start the debate.

Two Reports have already been placed, the Interim Report and the Final Report. According to the Interim Report, which has been read out earlier, I reiterate what has been read out—I refer to the Interim Report, page 7—:

> "The Commission's Report is in four volumes. Volume I comprises five chapters as mentioned above. Volume 2 and Volume 3 contain the papers pertaining to show-cause notices issued to individuals, their responses and the proceedings of the Commission in relation thereto. Each Volume comprises nearly two thousand pages. Volume 4 contains interrogatories issued to various persons individually and their respective responses as also inquiries by way of references made from a number of individuals, etc., etc. ..."

So, the Commission itself has given the contours of the Report. By any stretch of imagination, you cannot call these two Reports as constituting the complete Report. Partial Reports, incomplete Reports or Reports without proceedings before us cannot be described as complete. What in deed are we here discussing, Madam ?

We are exercised, all of us, including all the political parties—there is no distinction on this—and the entire House, over the national tragedy which took place on the 31st October, 1984. It was the assassination of the former Prime Minister of India and it was the greatest tragedy from my point of view. We are concerned, all of us are concerned, to know what really was responsible for this ghastly tragedy. The Report is not a question of law, but it is a question of fact, in my view. The Attorney-General has been asked by the Speaker of the other House to give his views on that. I am not going into that question at all. But, since both the Houses are debating this issue, I plead with you that no part of the Report, no proceedings, no minutes, of any document can be withheld from the House on any ground. So, my first demand would be that the Government should come forward with all the Reports, not withholding anything from parliament. The public has got a right to know, and the Parliament has got a right to know, and if they do not bring in the entire material before us, suspicions and doubts will not be cleared and there will be wide-spread disbelief. In the interest of the country and in the interest of the Government itself, suspicion should be avoided and it should not be allowed to operate, and the best way to do that is to bring all the relevant material to us.

One thing more, Madam. The Thakkar Commission has made this Report— I am not going to debate on it now — on certain hypotheses, and it is for us to know whether those hypotheses, those assumptions, made by Mr. Thakkar, were correct or not. He has based his assumptions, his hypotheses, on something and he has drawn his conclusions. They may be tenuous conclusions, they may be real conclusions. Whether those conclusions

[Shri M.S. Gurupadaswamy]

are based on relevant facts, relevant material, we have to know.

My friend, Mr. Ram Jethmalani, has raised certain points before the Chairman. I would like to hear him because he is a legal expert. But I do not want to go into that question at all now. My point is whether the Thakkar Commission has really based its conclusions, its observations, and its recommendations on relevant material or irrelevant material, on relevant facts or irrelevant facts. Therefore, in order to understand this, the whole gamut, we must have all the documents before us. The Government takes the view that certain areas, certain parts, of the Report are very sensitive in nature, and I can understand that. But they have got to be classified and they should not be made public in the interest of the country and in view of the sensitivity of the whole question—then, in that case, we have already established certain precedents in the past to meet such contingencies—I suggest that the entire material may be brought before the Chairman of the House and he should invite the leaders of the Opposition, and they should be given an opportunity to go through the various sections of these Reports which are withheld from us. Then we can come to a collective judgement whether these Reports are really sensitive and should be withheld from the public in the interest of the State or whether they can be debated and, if they have to be debated, to what extent.

Therefore, Madam, I give two alternatives. One, the entire material should be made available to us. My friend, Mr. Bhandare, the other day said that evidence was not part of the Report. I intervened at that time and said that evidences before Select Committees are placed in the Library. And, if those evidences contain any sensitive matter, I can give the alternative. The Chairman should get all the documents and invite the leaders of the Opposition, and I have no objection if he invites the leaders of the ruling party also.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): What about the Janata Party?

SHRI M. S. GURUPADASWAMY: That may include my friend, Shri Subramanian Swamy also.

THE DEPUTY CHAIRMAN: I think if you are not included in his party, you become irrelevant! You will be in position only...*(Interruptions)*...

SHRI M. S. GURUPADASWAMY: I always say that 'Gurupadaswamy' includes 'Subramanian Swamy'...

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): He may not be in the Opposition, but in position.

SHRI M. S. GURUPADASWAMY: ....just like 'man' includes 'woman'. So, 'Gurupadaswamy' includes 'Subramanian Swamy'.

(Interruptions)

THE DEPUTY CHAIRMAN: Mr. Gurupadaswamy, he is not bothered about being in the Opposition. He is only bothered to have some position in this House. *(Interruptions)*

SHRI A. G. KULKARNI (Maharashtra): And Chandraswamy also! *(Interruptions)*

SHRI SUBRAMANIAN SWAMY: Do you want an introduction to Chandreshswamy? *(Interruptions)*

SHRI M. S. GURUPADASWAMY: Madam, finally, let me make the stand of the Opposition very clear. If the Government feels that we are on a confrontation course, to exploit the situation, there it is wrong. Our job is the same as the job of the ruling party, to find out the truth and nothing but the

truth regarding this tragedy. I make it perfectly clear. Let us not be misunderstood. There should not be any suspicion so far as this is concerned. National tragedy is a national tragedy to all of us. It may happen to us if we come to Government. It may happen to somebody else. Therefore, we are all laying down norms and standards. And the standards and norms which we lay down on this Report will be quoted for ever by the posterity. The standards and norms and the practices which we follow on this Report will be quoted for a long, long time to come in this country and elsewhere. Therefore, let us not take a partisan view. I would appeal to the Members opposite, let them not take a partisan view. Let us debate this issue in a very impartial manner and find out who are behind this ghastly tragedy.

And I would appeal to you, Madam, to contact the Government; and tell the Government to bring the entire Report to us. With the present handicap, with these two truncated reports before us, we cannot have a useful and meaningful debate. Therefore, I would beg of you to postpone this debate till tomorrow, till we have all the material before us. In the meantime, may I again beg of you as a special case to hear Mr. Ram Jethmalani? He has got very vital points to make, and he has already written to the Chairman about it.

THE DEPUTY CHAIRMAN: He is a Member of this House. Nobody has to press for any other Member. It is their right. Anybody who is wanting to speak is welcome to speak.

SHRI DIPEN GHOSH (West Bengal): Madam, Deputy Chairman, while joining my colleague, Mr. Gurupadaswamy, in demanding immediate publication of the full Report of the Thakkar Commission, I want to recall what I stated when the first Ordinance was to be made into the amending law to enable the Government to withhold the Report of the Commission of Inquiry constituted under the Chairmanship of Justice Thakkar. I at that time apprehended that though the Government was seeking power to withhold such reports from Parliament, soon it would be found in Janpath Market. Now it has found its way to the Press. Next day when the newspapers will be sold as rag, it will find its place in the market also. But Parliament still remains denied the right to know. Only the other day I stressed the need to publish the full report on the ground that it would help the Members to assess the Report in its entirety and its real perspective.

Madam, at this stage, we have to go into the details of the report. The fact is that the asassination of Shrimati Indira Gandhi was not only a tragedy for a particular person who happens to be the son of Mrs. Gandhi. She was the Prime Minister. She was killed in a situation when some foreign powers interested in destabilising our country were helping all sorts of fundamentalist and divisive forces. She was killed at the hands of her own security personnel inside her own residence. Today, while assessing the report, we are not apportioning blame to this or that person. Parliament is entitled to know the truth and to disclose the truth to the people of the country. What were the forces behind this assassination? Certain remarks and expressions have been made by the Thakkar Commission itself. The Thakkar Commission has not ruled out the possibility of the existence of foreign hands behind the assassination. Unfortunately, Part IA is the chapter which contains the presence or link of certain persons. All these things have been dealt with in Part IA. That chapter has also been withheld from the Parliament of India.

SHRI DEBA PRASAD RAY (West Bengal): It is not correct. Chapter IA is a part of the final report. It is very much there.

SHRI DIPEN GHOSH: He has not read the report as yet. He conceded to me that he speaks without reading. You read first and then you speak. *(Interruptions)*

Madam, the ramifications are very serious. The Commission has not ruled out the possibility of the existence of foreign hands behind the assassination. At the same time, the needle of suspicion has been pointed at certain higher officers belonging to the security set-up of the Prime Minister, the Prime Minister's Secretariat and the Intelligence Department. There is every possibility of a nexus between the two. We are entitled to know. What purpose does the Government want to serve by withholding these portions of the report from the Parliament? Everyday it is being published. Yesterday it has been published. Today, I have not yet been able to see the newspaper because I am coming direct from the airport. Everyday the suppressed reports are being published in instalments. In this way, the Government could not protect and ensure the security of the most classified information. A report which was withheld from the Parliament, a report which was not placed before the Supreme Court, a report which was not shown to the President and a report which was not discussed in the Cabinet has found its way to the press. Is anything safe in the hands of this Government? Today we are being told that this is classified information. We are being told that these parts are sensitive, knowing full-well that these portions have found their way to the press and are being published. Even commonsense demands that when certain things have leaked despite the best efforts of the Administration, it is better to publish these portions in order to prevent further leakage. Today, the Home Minister, Shri Buta Singh, has proposed to move the Interim Report and the Final Report. Not a single word is there about this thing.

As Mr. Advani has pointed out, so far as the other House is concerned, the Attorney-General has been requested to speak. I do not know what the meaning of this is.

The Author of this has said that this Report contains so and so volumes. Now another person is being called upon to say whether that Report contains so and so volumes. It is fantastic, it is ridiculous... *(Interruptions)*

SHRI P. N. SUKUL (Uttar Pradesh): It is mentioned in the Interim Report. *(Interruptions)*

SHRI DIPEN GHOSH: Ultimately, they will go to the court to decide whether this Report is supposed to contain 8,000 pages or 800 pages. *(Interruptions)* Madam, my demand is, in order to assess this Report in its entirety and in its right perspective... *(Interruptions)*

SHRI DEBA PRASAD RAY: Madam, every day we are hearing this...

THE DEPUTY CHAIRMAN: You will be allowed to participate.

SHRI DEBA PRASAD RAY: We have read the Report. We want to participate in the discussion. Every day there are sermons given by them on this. You start the debate. We will participate. We have enough of it. *(Interruptions)*

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): Madam, the same points are being repeated by the hon. Members. Either you start the discussion on the main report or you stop these things. What is the use of wasting the time of the House?

SHRI DIPEN GHOSH: Why do you oppose these things? Don't oppose this thing. You will be let down by your

Leader. Next moment, he will place the whole report.. Now you are stoutly opposing it. *(Interruptions)*

SHRI JAGESH DESAI (Maharashtra): Madam, I would like to know what is happening in the House. We should know what is happening, what discussion is going on.

SHRI VITHALRAO MADHAVRAO JADHAV: He is not giving any new points about the Report. He is repeating the same thing ... *(Interruptions)* Either you start the discussion on the main Report of Thakkar Commission or you stop all these things. That is my request. I want your ruling on this.

श्री राम अवधेश सिंह (बिहार): पूरी रिपोर्ट की हम मांग कर रहे हैं, यह इनकी समझ में नहीं आता।

SHRI JAGESH DESAI: Madam, we would like to know what is happening in this House. It is no use...

SHRI VITHALRAO MADHAVRAO JADHAV: We are listening to the same thing for the last three or four days. What is the use of this discussion?

SHRI JAGESH DESAI: We do not know what is happening in the House ...

THE DEPUTY CHAIRMAN: I will tell you ... *(Interruptions)* Just a minute. They want to know what is happening in the House. I will say, the Members on the Opposition side feel that this is not the full report though they are saying what they have said before. *(Interruptions)*

SHRI DIPEN GHOSH: Madam, Deputy Chairman ... *(Interruptions)*

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh): I will tell you what new points are there. A Minister has gone on record in the magazine 'Surya' accusing another Minister of having malafide intentions on the Justice Thakkar Commission Report. And they want new points ... *(Interruptions)*. Your Minister has said that another Minister is implicated in this. They passed derogatory remarks regarding Justice Thakkar. You have got confidence in them about the security of the country...*(Interruptions)*

SHRI DIPEN GHOSH: Madam, parts of these Reports have not only found their way to the press but at the same time some official also has gone on record saying that it was an illegal probe. I do not know how it could be done. *(Interruptions)* That is why, Madam, I was drawing ...

SHRI SYED SIBTEY RAZI (Uttar Pradesh): Madam, I am on a point of order ... *(Interruptions)* Madam, you have to protect me. I stand on a point of order about the procedure of this House. I would like to draw your kind attention to Rule 240 :

"Irrelevance or repetition : The Chairman, after having called the attention of the Council to the conduct of a member who persists... *(Interruptions)* in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in the debate, may direct him to discontinue his speech". You may direct him to discontinue his speech. I want your ruling, because every Member of the opposition is repeating the same thing, wasting the time of the Hosue ... *(Interruptions)* ... against the procedures laid down by this Hosue and written in this book. I want your ruling.

THE DEPUTY CHAIRMAN: My ruling is that I request the Members not to repeat because we have other business. Secondly, it is entirely up to the Chair to allow someone to speak. I would give you also the chance to repeat what you want to say ...

SHRI SYED SIBTEY RAZI: you are the guardian and the protector of the procedures of this House. If you say like this, where will we go?

THE DEPUTY CHAIRMAN: I know I am the guardian. Let me handle it. You see, certain Members of this House have certain points to make. The decision has not come from the Government. So, till it comes, they would like to say something and they are saying it. They are expressing their views. I understand that there are lots of repetitions and I would request the hon. Members of both sides of the Hosue — I put it to both sides of the House — kindly confine yourself to your very relevant point. Sometimes I also repeat the same thing if I have to ... *(Interruptions)*

SHRI VITHALRAO MADHAVRAO JADHAV: But, Madam...

THE DEPUTY CHAIRMAN: Mr. Jadhav, I do not know what kind of habit you have to get up when the Chair is on its feet. Please sit down. You are telling me how to run the House and how to follow the rules. Are you following the rules of this House ? One Member stands up and tells me how to run the House; you get up in between. What is this? Just sit down; you don't know how to read the book. You go and read ...

SHRI VITHALRAO MADHAVRAO JADHAV: I want to say ...

THE DEPUTY CHAIRMAN: Please sit down. If I have to go on saying that whatever is repeated in the House should be removed from the proceedings, I think, half of it will be removed. Now, please sit down.

SHRI DIPEN GHOSH: At least, I can submit ...

THE DEPUTY CHAIRMAN: I thought you had finished.

SHRI DIPEN GHOSH: I am concluding. I am not as eloquent as some friends on the other side are; but at least I do not talk irrelevant; that I can say, and I have not repeated. I am not repeating the points already stated by my friend. But the fact is that if Government withholds this part of the report for reasons of its being sensitive or affecting the public interest, Madam, we are second to none for protecting the national interest. So, let the leaders of the Opposition parties be taken into confidence. Let the Report be shown to them and only then the debate may take place. That is my submission.

SHRI PARVATHANENI UPENDRA: All classical *ragas* have to be repeated.

THE DEPUTY CHAIRMAN: Even I have to repeat if it has to be repeated. But as I said, we have other business; we have the special mentions; we have another report to discuss, and if you be brief, I will be obliged.

SHRI PARVATHANENI UPENDRA: Not only brief, but very brief.

SHRI SUBRAMANIAN SWAMY: Unless you rule, Madam, that he has spoken on behalf of the Janata party. What is your ruling?

THE DEPUTY CHAIRMAN: My ruling is reserved till your chance comes.

SHRI PARVATHANENI UPENDRA: When we make a repeated demand for placement of the remaining portions of the Thakkar Commission Report. We are not trying to derive any political advantage from this. We, as well as the nation, are genuinely concerned that the truth, the whole truth, should come out.

This enquiry was one of the most important enquiries in the post-

Independence era. Therefore, the whole nation is eagerly looking forward to finding out its contents, to know its contents. But Madam, the government have taken a completely legalistic view in this matter. It is not a question as to what constitutes the full report, whether the remaining portions form part of the report or what the Attorney-General would say, etc. This is not the point. The Prime Minister himself expressed his anguish that so many innuendos and rumours are being circulated, that many aspersions are being cast. He, therefore, rightly said that we should put an end to these things. We can put an end to these things only by bringing out all the facts, the whole truth. Democracy functions only when there is free flow of information. If you block it, naturally, there would be rumours, insinuations and innuendos. We cannot stop them. Therefore, we have been repeatedly pressing that the whole report should be placed on the Table of the House.

If, for certain reasons, the Government feels that certain portions cannot be published, it is always open to the Government to consult the leaders of the Opposition and explain why those portions cannot be published. I fail to understand, Madam. Can't even a dozen leaders of the Opposition, responsible Members of this House and the other Hosue, be trusted up on to decide what is in the interest of the nation? This report, I am sure, must have been seen by dozens of stenographers who typed it, by dozens of officers of the Home Ministry and other Ministries, right from the Deputy Secretaries to the Secretaries. Finally, in 'The Indian Express', right from the Editor down to the proof-reader, everybody knows about it. What are we trying to conceal? Therefore, I fully support the demand of Mr. Gurupadaswamy — it is in the interest of the Government, it is in the interest of the Prime Minister himself—that the full facts should be placed before the nation. After all, there were lapses. Except about the functioning of our intelligence agencies in foreign countries, I do not think there is anything sensitive in the report. The report has indicted certain persons. If there are some people who have been blamed, let them be blamed. There were lapses and we need not conceal these things.

SHRI VISHWA BANDHU GUPTA (Delhi): Lapses by the Government? Lapses by whom, for what?

SHRI PARVATHANENI UPENDRA: The Thakkar Commission indicted the entire system of the Government, its functioning, its security arrangements, its political management, etc. Everything has been condemned. Therefore, if some people have been blamed, let them take the blame. Why should the people be denied their right to know what happened and how it happened? After all, we might have had our political differences with Mrs. Indira Gandhi but we never wished that there should be such an end to a leader who had served this country for two decades. Therefore, we have got the right to know what happened and how it happened. Therefore, Madam, I fully support the demand for placement of this report and if you find that there are any sensitive portions, consult us, trust us. We can be that much nationalistic and patriotic in our approach and we will definitely concur with the Government if any particular portions are not to be published. Therefore, this is the only correct approach.

Not only this report. The report of the SIT, special investigation team, should also be placed in fairness to the man who has been indicted by this Commission. After all, so much has been written about a particular individual. Two-thirds of the report deals with that man and that man has given an interview that he was not even given an opportunity for a personal explanation. The latest 'India Today' carries an interview by that person. All

[Shri Parvathaneni Upendra]

these things are there. Therefore, the report of the special investigation team should also be placed and Government should explain how they have exonerated a certain person. It will be in the interest of the person and it will also be in the interest of the Government because the Government has reinstated that person in a very responsible position. Therefore, it must have been done on valid grounds. Therefore only when the SIT report is also placed on the Table of the House, will we be convinced that we have nothing against any particular individual. We do not want that that particular individual should be victimised and there should be a witch-hunting against that person. Therefore, I again reiterate that even at this stage the Government should use some good sense and come forward with full facts.

THE DEPUTY CHAIRMAN: Mr. P. N. Sukul ... don't be agitated. I am allowing everybody now, and since everybody wants to repeat, so repeat.

SHRI P. N. SUKUL: Madam, it is obvious from the report itself that what my friends from the Opposition want to be published or placed before the House does not form part of the report. Now, they can demand something to be produced by the Government, but they should not call it a part of the report. My objection is solely to this. They can demand that the proceedings should be placed before the House. But once the Commission has itself said what is the report and what is not the report—in fact, the Commission was not in favour of this final report even being released; he has written that even this report should not be published— the matter is beyond question. But since our friends demanded it, the Government thought it proper to submit it. But if what is not in the report, is called a part of the report by you, then you are doing grave injustice to the report, to the House and to the Government and all concerned. So, my suggestion is...

SHRI YASHWANT SINHA (Bihar): How is it not a part of the report?

SHRI P. N. SUKUL: It is written by the Commission itself.

SHRI YASHWANT SINHA: Where is it so written?

SHRI P. N. SUKUL: Yes, I have also got a copy of it. Read page 4 of the final report : Scheme of the final Report:

"The present report, which is the final report is in two parts: part I and I-A. Part I has five chapters which deal with subjects as detailed below. At the end of Chapter V are placed appendices A to E which, the Commission feels, are important enough to be included in the body of part I itself. Part I-A is a compilation of the material (other than the appendices referred to above in para-1.6.2) on which the Commission has drawn for the purposes of final report itself."

So, the final report is something else; that compilation is something else. The Commission has drawn on it for the purpose of the final report. "Part I-A carries its own index."

"Records referred to in paras 1.6.4 and 1.6.3 (which means other papers) will be given to the Secretary to Government of India, Ministry of Home Affairs, by the Secretary to the Commission shortly."

This means, had it been a part of the report, it would have been submitted simultaneously. It is just a matter of commonsense. Had it been a part of the report, it must have been submitted to the Government and to the Home Minister, and not to the Home Secretary, simultaneously along with the final report. But it was not so submitted. The Commission felt that it could be submitted three weeks later. That means that was not to be released; that was to be kept in Government records.

So, my suggestion is that we discuss what is there in the report instead of wasting our time in demanding something more—*i.e.* the compilation and other papers. We should straightway start discussing this report. That is my suggestion, and I think it will be in the fitness of things if we simply start discussing the report.

SHRI JASWANT SINGH : Madam Deputy Chairman, the points that have been made just now, I will refer to them in a minute. What we are asking for is a discussion on Thakkar Commission's *Report on the assassination of the late* Prime Minister. When these papers were being tabled in this House, I enquired of the Minister as to whether all papers were being tabled, a reference to which has already been made by my eminent leader, Shri Advaniji, to which the hon. Prime Minister, on being asked, went to the extent of saying that all the papers without exclusion—every document—shall be presented to Parliament.

Now, one is not being legalistic when one talks of the totality of the report and, for that purpose, I would draw your attention to the terms of reference that were given to the Commission. In the terms of reference itself it was said, "The Commission shall make an inquiry with respect to the following matters....." and five matters were listed. Of those five matters, the interim report was a report only on the first three matters. Thereafter, the final report came and I will refer, in a minute, to what the final report of the Commission is. Before doing so, I would draw your attention to section 5 of the Commissions of Inquiry Act. Section 5 itself permits the Government to withhold the report or part thereof, but it is categorical. For the purpose of section there is a definition given of "report." "'Report' includes an interim report and all proceedings of a Commission." The Commission of Inquiry Act itself is quite clear as to what comprises the report. The proceedings of the Commission are part of it.

What does Justice Thakkar himself say? My honourable friend, Mr. Sukul, did not go beyond page 3. had he done so, he would have seen that on page 4, Commissioner Thakkar himself described what this report is: "The present report which is the final report is in two parts...." He describes Part I and Part I-A. Honourable Shri Sukul has laboured the point that I-A is merely interrogatory and, therefore, need not to be laid, whereas Commissioner Thakkar himself says that the present report is in two parts-I and I-A. Part I-A, therefore, is still missing.

SHRI P.N. SUKUL: It was not submitted simultaneously.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): He also says it is not a report. it is not under the Commissions of Inquiry Act.

SHRI PARVATHANENI UPENDRA: You will get an opportunity, Jayanthiji.... *(Interruptions).....*

SHRI JASWANT SINGH: When he explains why the appendices which are at the end of Chapter V are important enough to be included in the body of Part I, it does not mean that I-A has been included because it is only a matter which has to be excluded from the report. "1.6.3. Part I-A is a compilation of the material...." It does not mean it is not part of the report. "1.6.4. Volumes II and III" referred to by commissioner Thakkar himself "had to be sub-divided into Volumes II-A, II-B, II-C and II-D and III-A, III-B, III-C and III-D for the purpose of being properly bound. However, Volume IV remains as one volume." My eminent friend, Mr. Salve, when he intervened earlier, was candid enough to admit that Commissioner Thakkar has caused a lot of confusion in

[Shri Jaswant Singh]

the manner of explaining what comprises and what doesn't comprise the report. By his own explanation of the scheme of the final report, therefore, Volumes I-A, Volumes II-A to D, Volumes III-A to D and Volume-IV, which means four of the volumes of the report, have not been presented to the House. Now it merits consideration, Madam.

SHRI PAWAN KUMAR BANSAL (Punjab): Read further 1.6.5 ... *(Interruptions)...*

SHRI JASWANT SINGH: Madam, I may be permitted...

THE DEPUTY CHAIRMAN: I will allow him also to speak... *(Interruptions)*

SHRI JASWANT SINGH: What honourable Mr. Bansal says is, he is asking me to speak frankly.

SHRI PAWAN KUMAR BANSAL: I am sorry, you misunderstood me—I don't mean to cast aspersions as far as that is concerned. But I want you to read all that is there because in the next para...

THE DEPUTY CHAIRMAN: Just because you asked Mr. Sukul to go beyond page 3...

SHRI PAWAN KUMAR BANSAL: Because Volumes II, III and IV, Part I-A, he rightly calls these "records.."... *(Interruptions)...*

THE DEPUTY CHAIRMAN: You asked Mr. Sukul to go beyond page 3. Now he is asking you to go beyond page 7.

श्री लाल कृष्ण आडवाणी (मध्य प्रदेश): जस्टिस ठक्कर के स्टाइल में जब तक दूसरे नहीं पढ़े जाते हैं तब तक पहले नहीं समझ में आते हैं।

THE DEPUTY CHAIRMAN: I think in this process we will discuss all the 600-700 pages.

SHRI JASWANT SINGH: Fine! Para 1.6.5 says "Records..." Now, Commissioner Thakkar has used three words to describe the same thing. He has referred to it as a volume. He has referred to it as a report. He has referred to it as a record and also as a compilation. Commissioner Thakkar has used four words—compilation, report, volume, record.

SHRI N. K. P. SALVE (Maharashtra): Part.

SHRI JASWANT SINGH: Part also.

THE DEPUTY CHAIRMAN: That shows the versatility of the English language.

SHRI JASWANT SINGH: It does not show the versatility of the English language, Madam, but it does perhaps show the confusion in Commissioner Thakkar's mind.

SHRI SUKOMAL SEN (West Bengal): Why are they not laying them? They are afraid.

THE DEPUTY CHAIRMAN: That is not the question. An hon. member asked me what is happening in the House. Now it is coming to me that what is actually happening in the House is, some people are trying to say that this is a report, and other people are saying that this is not a report.

SHRI DIPEN GHOSH: That is the crux of the problem.

THE DEPUTY CHAIRMAN: We should have both the opinions recorded.

SHRI DIPEN GHOSH: Some say that this book contains 2,000 pages, and others say that it contains 800 pages.

THE DEPUTY CHAIRMAN: We have to first ascertain whether this is or this is not the Report. Then you all can

decide.

SHRI DIPEN GHOSH: We had to go to the court for 30 pages of Maulana Azad's book.

THE DEPUTY CHAIRMAN: Mr. Dipen Ghosh, I would request you not to mention what does not concern this House. Please withdraw you words.

SHRI DIPEN GHOSH: O.K. I withdraw.

THE DEPUTY CHAIRMAN: You cannot go beyond your limit. I would not permit this. You would have to have certain manners and decorum of the House.

SHRI DIPEN GHOSH: O.K.

THE DEPUTY CHAIRMAN: You are referring to somebody who was a great son of India. You are not referring just to anybody in the streets of Delhi, about which you were talking the other day.

SHRI DIPEN GHOSH: I am not talking about him.

THE DEPUTY CHAIRMAN: Apologise.

SHRI DIPEN GHOSH: O.K.

SHRI JASWANT SINGH: Madam Vice-Chairman... I am sorry, I beg your pardon, Madam Deputy Chairman.

THE DEPUTY CHAIRMAN: You don't have to beg my pardon. You did not say anything about me.

SHRI JASWANT SINGH: I do apologise, Madam Deputy Chairman.

As has been pointed out, two, three things are clear. The essence of what has been put across is not to interpret what comprises or what does not comprise a report, in terms of legal interpretation or in terms of the confusion that Commissioner Thakkar himself has spread on the subject. The point is that unless the totality of the documents referred to, in enquiring into the assassination of the late Prime Minister are made available to the House, any discussion on this matter would be infructuous and incomplete.

I am making one more submission, Madam. As a part of the totality of these documents, I would go further, not only the volumes referred to by Commissioner Thakkar, that is Volumes 1A, 2, 3, and 4, which means four separate volumes which must be made available to the House, but indeed, further that the Special Investigating Team's investigation into the matter must also be available to the House to make this discussion fruitful. Why I say so Madam, is for two main reasons. Commissioner Thakkar himself has referred to the Special Investigation Team's findings. He refers to it, he quotes from it, he draws conclusions from it on pages 36, 37, 47, 48, 49, 53, and 55. These are some of the pages on which Commissioner Thakkar himself has quoted from what the SIT has done or has not done, has drawn conclusions. Therefore, unless the House has access to the SIT's findings, we will not be in a postion to discuss this particular report, or this particular issue in any satisfactory manner.

One final point, Madam. If you recollect, there were five terms of reference, five tasks with which Commissioner Thakkar was assigned. One of the tasks was about involvement of a foreign agency. What I am going to quote is from Commissioner Thakkar's own Report. We are now clear what we are quoting from. It involves firstly one of the terms of reference which relates to a conspiracy. Secondly, it, therefore, underlines the importance of having the SIT's findings with us in this House

[Shri Jaswant Singh]

12.00 NOON

before we take up this discussion. On page 138 he says:

"INVOLVEMENT OF FOREIGN AGENCY TO CREATE A SITUATION OF INSTABILITY: A great deal of meterial has been gathered by the investigating agency, which tends to show that a foreign agency has, in fact, played such a role *inter alia* by inspiring, encouraging, assisting and training the terrorists. A full and detailed report carefully and assiduously prepared by the said agency is included in Part I-(A)."

It was the submission, while my friends on the other side have said that Part I-(A) is merely a record, is merely a compilation, are merely papers, which would otherwise remain consigned to the waste paper basket, but because Commissioner Thakkar thought that they should subsequently reach the Secretary of the Ministry of Home Affairs, therefore, he did not include them in the Report and made it a separate category as Part I-(A). Part I-(A) is very important. A full and detailed report about what? About conspiracy categorically, carefully and assiduously prepared by the State agency—it is the special agency, a Special Investigating Team—is included in Part A. On the basis of the said report the Commission is of the opinion that the foreign agency had indeed played such a role. Now, why do we ask for I(A)? This is why we ask for I(A). And why do we ask for the SIT Report? Please go to page 140 of the Final Report, paragraph 1(3):

"Regarding involvement of foreign agency so far no adequate and satisfactory material showing that some foreign agency was involved in the conspiracy to assassinate the late Prime Minister has been placed before the Commission."

I am unable to understand how Commissioner Thakkar changes his mind in two pages. At 138 he talks of carefully and assiduously prepared conspiracy and that it is all contained in I(A) and barely two pages later he says that the Commission is unable to comment on it.

THE DEPUTY CHAIRMAN: Have we started discussion on the Thakkar Commission's Report?

SHRI JASWANT SINGH: No, I haven't.

SHRI LAL K. ADVANI: He is explaining why SIT report must be placed here.

SHRI PARVATHANENI UPENDRA: This is very relevant.

SHRI JASWANT SINGH: I am not starting the discussion. I am on the main text of what Commissioner Thakkar here had tried to establish. I am on the point that we are not involved in the legalistic question, or legality of what constitutes a report and what does not constitute a report, we are on the issue that unless all documents related to the discussion are placed before the House, we cannot have a fulfledged and a fruitful disccussion. I am on the point that Commissioner Thakkar on his own has admitted that Volumes I(A), 2, 3 and 4 are part of the report. They are not before the Parliament. I am not on the point that the SIT, to which the Commissioner Thakkar repeatedly referred in the text and I have not quoted the other pages. I am only really quoting where Commissioner Thakkar has specifically talked of conspiracy on page 138 and said that it is in Part I(A). And then he has gone again and said there is no conspiracy. Therefore, it is very important that all these volumes be placed and the SIT's report may also be made available. Only then this discussion will be fruitful.

SHRI SYED SIBTEY RAZI: Madam, again I am on a point of order. I am not

going to speak anything on the subject which is being discussed, but I would like to draw your attention again to the Rules of Procedure and Conduct of Business-Rule 249-which says:

"PAPERS QUOTED TO BE LAID ON THE TABLE. — If a Minister quotes in the Council a despatch or other State paper which has not been presented to the Council, he shall lay the relevant paper on the Table:

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest:"

Now, who will decide that this material is inconsistent with the public interest? The Government will decide. I am not arguing that the full report has been presented or not, but whatever has been presented, it should be discussed and the demand of the Opposition that the whole or annexure and the total of these should be laid—it should not be acceded. Only on the papers which have already been laid, for discussion, discussion should be started. This is a point of order. I require your ruling.

THE DEPUTY CHAIRMAN: This point was referred to by Mr. Murli Bhandare the other day. Still Members want to argue that what is being laid on the Table of the House is not the report and that is why they are giving their viewpoints and they say it is not the full report, not the complete report.

SHRI SYED SIBTEY RAZI: For argument's sake I accept that the full report has not been submitted but the golden rule 249 has been stated here: "Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest." For argument's sake I say that the Government has withheld the report. The Government has thought that it is inconsistent with public interest. It is not the Opposition who will decide whether a report or a document is consistent or is not consistent with public interest, but it is the Government who has to decide. So, a discussion cannot take place on the other things. Whatever material has been laid on the Table of the House, that should be discussed.

THE DEPUTY CHAIRMAN: We have not yet started a discussion on the actual report. The point is whether this is the full report. The Government can come and say this is the full report if they so feel, and that is what they have said. That is why they have laid it on the Table of the House. If Members want to argue they can put forth their viewpoints.

SHRI N.K.P. SALVE: At this juncture I submit, Madam, very respectfully the question as to what constitutes a report, in my opinion, is entirely irrelevant. Certain other points raised by Shri Upendra, Shri Dipen and Shri Gurupadaswamy are important. But they are hardly serving their own cause in trying to debate what constitutes a report. Assuming for a moment, Madam, clearly, categorically and with precision had Mr. Thakkar said that "Well, this only is the report that is placed before the House and the rest of it is not the report, it is compilation and I am submitting them separately", would it have debarred the House from asking that part which the Commissioner himself said was not part of the report? That may not have been a statutory requirement in terms of the Commissions of Inquiry Act. But would that have prevented the House from asking that we want to go into? Why is this argument unnecessarily being advanced? The other point which requires real consideration is the whole thing has leaked out. As a result of that it is creating a very disquieting situation, all sorts of insinuations are being made, foisted, innuendos thrown and also all sorts of surmises and conjectures are

[Shri N.K.P. Salve]

being made. And much as Mr. Upendra may claim that "we do not want to make political capital out of it" we do not, for a moment, accept that they are such naive and would not make political capital out of it. The whole purpose is to make a political capital. At any rate, if you do want to make a political capital, I do not grudge. What is important is...

Madam, I crave your indulgence, your very kind attention.

THE DEPUTY CHAIRMAN: All right.

SHRI N.K.P. SALVE: What is important, Madam, is he said "For democracy there has to be free flow of information and this House and the other House must not be denied information." But there is the information and information every time. I may submit, let us not discuss *ad infinitum* and *ad nauseum* in absolute linear monotony. The question whether this is the report or not, please forget about that. Come to the main issue of non-presentation of certain documents which are referred to at least in the report. What is it that is being imperilled? The dignity of the House, the democratic working in this country, the institution of democracy itself. My respectful submission, Madam, ... *(Interruptions)*. is whether what is withheld is of public interest. Madam, I feel very greatly disturbed because I am addressing you.

THE DEPUTY CHAIRMAN: I am sorry.

SHRI N.K.P. SALVE: My respectful submission is, it is of the highest importance that if documents have to be laid on the Table of the House, it is the right of this House to demand certain papers, specially if it is quoted in a despatch or if it is referred to in a despatch. I have no doubt in my mind that every Member of this House has a right to ask the Government but whether the Government has to lay it on the Table of the House, is governed by the rule and this rule which was quoted by Mr. Syed Sibtey Razi, provided there is no answer to it, provided that this rule shall not be applied to any of the documents which are stated by the Minister of such a nature that their production would be inconsistent with public interest. This is entirely a matter for the Government to decide and I do expect, in a dignified manner, keeping in view the larger interest and the dignity of this House, of strengthening the institution of democracy as such and in a democracy, there has to be a free flow of information. That is my view and that is the view of my party. We do not want to withold anything... *(Interruptions)* ... I did not disturb anyone of you. I crave your indulgence, Madam. *(Interruptions)*

THE DEPUTY CHAIRMAN: Listen to me. He is a senior Member and is the Deputy Leader of the House.

SHRI N.K.P. SALVE: I heard your views. Listen to my views. Maybe, I am wrong but maybe, you are wrong. Now, Madam, I submit, in its wisdom, the rule contemplates that what is in public interest or not has to be decided by the Government.

Therefore, either it is in public interest or it is not in public interest. If it is in public interest, it cannot be tabled in this House. If the Government is worth its salt, it will never table it in this House if it is not in the public interest. Then, it cannot invite four or five people only. Why should I be not invited? Am I less patriotic than what they are or is my judgment not as objective as their judgment?...(*Interruptions*)...My question is, the suggestion which they are giving is entirely untenable. It is violative of the rule, it is violative of the dignity of this House.

SHRI DIPEN GHOSH: What is dignity of the House?

SHRI N. K. P. SALVE: The dignity of the House is, the Government should decide whether it is in public interest or not, genuinely *bona fide,* keeping in view the agruments you advanced... (*Interruptions*)...

SHRI DIPEN GHOSH: We are second to none in protecting public interest.

SHRI N. K. P. SALVE: Are we second to you in protecting the public interest... (*Interruptions*)... In which rule?... (*Interruptions*)...

SHRI YASHWANT SINHA: Has the Government taken a view that it is not in public interest? ... (*Interruptions*) ...

SHRI N. K. P. SALVE: May I answer Mr. Sinha? That is a relevant point.

SHRI PARVATHANENI UPENDRA: Precedents are there.

SHRI N. K. P. SALVE: No, no. Let me tell you. I am not part of the *Government. It is for the Government to* say whether it is in public interest or not. I am conceding that you have a right to ask for it. But whether the Government is to comply with it or not to comply with will be determined in accordance with the provisions of the rule. It cannot go in a manner as suggested by my hon. friend, Mr. Gurupadaswamy, whom I hold in the highest esteem or by Mr. Dipen Ghosh or by Mr. Upendra, none of them, beacuse if it is not in public interest, then it cannot be disclosed to a section of the House. It is not casting aspersion on your nationalism, on your loyalty, on your commitment to democracy, not for a moment. That is not only inconsistent with the rule, I submit and I reiterate, it will be wholly inconsistent with the dignity of the House. Are we people on this side of the House, who are not in the Government, not entitled to... (*Interruptions*)... That is a very important point you have raised, Mr. Upendra. For some time, for at least once, listen to some sensible advice, however rare in the House; at least, once you listen to it. What I am submitting, the point I am trying to make, is that one very important point made by all three of them should not be overlooked by this Government. Willy-nilly, the property has already been stolen and someone else is enjoying that merrily and creating a very disquieting situation for all of us. I certainly am very unhappy with that kind of a thing and I certainly would like to ask this Government how this kind of a leak came about of such an important document which is kept away from Parliament on what they think is in public interest because what the Commission itself says, 'should not be disclosed to the people', stands disclosed to one of the newspapers and who is merrily enjoying this kind of a ding-dong battle going on between us and the Opposition.

SHRI DIPEN GHOSH: At least, we will come to the conclusion that public interest is not safe at the hands of this Government.

SHRI N. K. P. SALVE: Dipen, I tell you, if it is not safe in the hands of this Government, a government is yet to be born which will be able to save public interest in this country. (*Interruptions*).

SHRI DIPEN GHOSH: Had it happened in any other country, the Government would have resigned. (*Interruptions*).

SHRI N. K. P. SALVE: There are fifth-columnists, there are renegades, there are saboteurs, in every party and they are there in your party also.

SHRI PARVATHANENI UPENDRA: If you ask Mr. Kalpanath Rai...(*Interruptions*).

SHRI N. K. P. SALVE: I do not need to ask Mr. Kalpnath Rai; nor do I need to ask you. I have been much longer in

[Shri N.K.P. Salve]

politics than you have been, Upendra. (*Interruptions*). Is this not politicising the issue, Madam? This is what I say.

SHRIMATI RENUKA CHOWDHURY: Mr. Salve, at no point of time have we politicalised it. We are equally disturbed by one sitting Member accusing another sitting Member. You may talk of the dignity of the House and of the members of the Cabinet. But they have accused a Governor. I am deeply concerned. I share your concern. I am deeply concerned with what has appeared in "Surya" magazine where categorically Mr. Kalpnath Rai has cast aspersions on Justice Thakkar. I read.

THE DEPUTY CHAIRMAN: Mrs. Renuka Chowdhury, You are not allowed to read that. I am not permitting you. *(Interruptions)*.

SHRIMATI RENUKA CHOWDHURY: ...Why do you interfere between the two of us?

THE DEPUTY CHAIRMAN: Outside the House you can do what you like. But inside the House you will have to...*(Interruptions)*. Outside the House, I have no objection to what relations you have with Mr. Salve. But inside the House, everything has to go through the Chair.

SHRI N. K. P. SALVE: Madam, my relations with the charming lady of the Telugu Desam inside and outside the House are very pure. (*Interruptions*).

SHRI A. G. KULKARNI: They are just like father and daughter. (*Interruptions*).

SHRIMATI RENUKA CHOWDHURY: Thank you, uncle. (*Interruptions*).

THE DEPUTY CHAIRMAN: Mr. Salve is in a fix. He can say neither 'yes' nor 'no'.

SHRI SUBRAMANIAN SWAMY: Madam, it should not go on record because later on, it will be held against him. (*Interruptions*).

SHRI A. G. KULKARNI: I want to ask Renu one thing. Who told you that everybody is wise in the Cabinet and everybody is a fool in the Opposition? Here also there are fools, and there also are fools. (*Interruptions*).

SHRIMATI RENUKA CHOWDHURY: ...learn from Members like you to distinguish between fools and non-fools.

SHRI N. K. P. SALVE: Madam, coming back to something really very serious, I thought the Opposition would take this opportunity to raise some of the extremely important issues consequent upon the not laying on the Table of the House of certain papers, documents, etc. which are referred to in the report. Unwarranted inferences, one way or other, are being drawn. Perhaps an impression is sought to be created that there is something very damaging against us which will go against us politically and that is why we are not presenting it. That is what was being said about the report. I have gone from cover to cover, the entire report, and I do not think there is anything for this Government or any of its members or the Prime Minister or his family to be worried about anything which has been held in this report whatsoever, in any manner whatsoever. (*Interruptions*).

SHRI PARVATHANENI UPENDRA: The other portions are parrying the final report.

SHRI N. K. P. SALVE: I am myself saying that this is not a relevant and important issue you have raised that people are already having access to that kind of a report and I believe, Madam, that they are publishing things which are not in consonance with what is said in the

report, and that is the discomforting feature and this is the aspect of the matter which the Government should perhaps look into and decide, when the whole report is willy-nilly allowed with compilations available to the press, why it should not be made available to Parliament. That is the crucial question. If you confined yourselves to this, I could have understood. But to go into the entire irrelevancy is purposeless. There is one thing I want to report and that is about the idea of inviting three or four or five. Which of them will you choose? I am not casting aspersions. (*Interruptions*).

And, therefore, Madam, the suggestion being made that it should be shown to a selective group of people or coterie is absolutely against the rules. It is violative of the...(*Interruptions*).

SHRI PARVATHANENI UPENDRA: Leaders of the Opposition are not a 'coterie'. How does he say that it is coterie?

SHRI N. K. P. SALVE: 'Coterie' in terms of the Opposition Members is a coterie of the Opposition. 'Coterie' in contradition of... (*Interruptions*) I immediately withdraw the word 'coterie' and substitute it by an esoteric, a very highly esoteric gathering from amongst the Opposition. Do you accept that? (*Interruptions*) If I call 'leadership' again you will not like it. (*Interruptions*) One of you might object...(*Interruptions*) All right, will Mr. Subramanian Swamy accept that Mr. Gurupadaswamy is his leader?

SHRI SUBRAMANIAN SWAMY: No. He is Janata Dal. I am Janata Party. How can he be my leader? (*Interruptions*).

SHRI N. K. P. SALVE: He is a leader in his own right. Quite a few of them are leaders in their own right.

In the end, therefore, Madam, I submit that as in the Agenda, let us discuss whatever we have before us. Ultimately it is for the Government to decide whether it is something which in public interest should not be laid on the Table. If it is not in public interest, it should not be laid on the Table. That is the rule. Whether it is in public interest or not cannot be decided in consultation with the leadership. It is entirely violative of the parliamentary norms.

In the end I do want to submit that our House is extended for today and tomorrow. Why do we want to deny ourselves the opportunity of discussing this Report. Certain very important issues have been raised. Even if there are trappings of genuineness or sincerety in saying that they do not want to politicalise the issue since it is a tragic assassination of one of the greatest statesmen and leaders of our times and it was done in a manner for which squarely the responsibility has been placed on security arrangements and some people, then these documents are good enough for us to start the debate. This is my request which should be considered by them in the light of what I have submitted. Thank you, Madam.

THE DEPUTY CHAIRMAN: Shri Aladi Aruna.

SHRI SUBRAMANIAN SWAMY: Madam,...

THE DEPUTY CHAIRMAN: Next is Mr. Aladi Aruna.

SHRI SUBRAMANIAN SWAMY: No, no. His hair is black. Mine is grey. So I am more senior.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM (Tamil Nadu): Madam Deputy Chairman, at the outset I would like to submit that it is incorrect, false and misleading to say that Justice Thakkar was against the publication of this report or making this report public.

[Shri Aladi Aruna *Alias* V. Arunachalam]

Madam, in his final report Justice Thakkar has clearly stated on page 7:

"The Commission, after due deliberation, has formed the opinion that while there is no objection to the Interim report being made public, larger public interest demands that the present report (final report) may not be made public..."

As far as Justice Thakkar is concerned, he was not against the publication of the interim report. As far as the final report is concerned, there is no compelling clause. It "may not" be published. "May not" implies sometimes "may".

Then, on the same page, lastly he said:

"...it may not be in public interest to publicise at least for the present".

The final report was submitted in 1986. So, it was applicable to the year 1986. Now we are asking to discuss the report in 1989. Therefore, it can be made public without any reservations. That is my first point. Madam, another major points is that the hon. Prime Minister had assured the Parliament not to give the Final Report or the Interim Report, but he had categorically stated that he would give the full report. That is why we want the full report. Has he assured the House that he would give only the Final Report? In that case, the issue would have been different. He had assured the House that he would give the Full Report. Justice Thakkar has himself stated that.....

THE DEPUTY CHAIRMAN: Not in this House.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: It has been reported in your Journal also.

THE DEPUTY CHAIRMAN: It is in the Lok Sabha, Mr. Aladi Aruna.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: I withdraw the words. He had assured Parliament that the Government would submit the Full Report. So, we want the Full Report. We are not satisfied with the Interim Report or the Final Report. In his Interim Report, Justice Thakkar himself has stated that the Commission's report is in four volumes.

THE DEPUTY CHAIRMAN: That has already been said.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Justice Thakkar has himself stated that the report consists of four volumes. When the Justice has himself admitted that there are four volumes of the report, then it is unfair on our part to interpret what the report is.

(Interruptions)

SHRIMATI JAYANTHI NATARAJAN: On page 29, he has also said that this is not a report under the Commission of Inquiry Act at all.

THE DEPUTY CHAIRMAN: You read page 29 now.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: I am unable to understand what she is saying.

THE DEPUTY CHAIRMAN: If you want a copy of the report, it is in my Chamber. You can go and read.

SHRIMATI JAYANTHI NATARAJAN: I am saying that on page 29 he has also said that this is not a report under the Commission of Inquiry Act.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: That point is immaterial. Whatever report is available with the Government, we want that report. That is the point under consideration.

THE DEPUTY CHAIRMAN: Will you yield to a lady Member?

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: I am not yielding to this lady.

(Interruptions)

SHRIMATI JAYANTHI NATARAJAN: He will yield to Jayalalitha and not to me.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: You are yielding. We are not. From the beginning, we are not. You don't know the history.

THE DEPUTY CHAIRMAN: Are you prepared to disclose to the House which lady you are going to yield to?

SHRI SUBRAMANIAN SWAMY: What does that mean? Is it in the Tamil Nadu Assembly context?

SHRI ALADI ARUNA *alias* V ARUNACHALAM: I would like to submit one more thing. We have been given "Action taken on the observations of Justice Thakkar" along with the Interim Report and the Final Report. But if you go through the report, it is as brief as possible. If you read this report, page after page and para after para, it deals with the behaviour, propensity and actions of Mr. Dhawan. As far as action report is concerned, it has dealt with it in just one para. We would like to know how the Government has come to the conclusion that Mr. Dhawan was innocent or that he was not involved in this conspiracy. The entire report of the S.I.T. is also necessary to find that out and for the discussion. Thank you, Madam.

THE DEPUTY CHAIRMAN: Mr. Jayanthi Natarajan, would you like to say something about page 29? We will discuss every point one by one. We will discuss every page.

SHRIMATI JAYANTHI NATARAJAN: All that I wanted to say, when the hon. Member was speaking, was that after reading out parts of the report and after talking about what the report is, there is no doubt, as the hon.. Deputy Leader of my party said, that Justice Thakkar himself was not very sure of what the report was. He said at one place that it was in four volumes. He has said at another place that it is...*(Interruptions)* I listened to you. You listen to me now.

THE DEPUTY CHAIRMAN: Mr. Aladi Aruna, this is her right to speak. Please don't interrupt. I will allow any Member who has got a relevant point to make his point.

SHRIMATI JAYANTHI NATARAJAN: Therefore, Madam, at another place, he said that whatever is necessary and relevant for the purpose of the Report is extracted in the body of the Report. And Sukulji also pointed it out and I do not need to go into that. I am not going to repeat what he has said. The only point I wish to make is that Justice Thakkar, at page 29 of the Final Report also goes so far as to say:

> "this Report recording its conclusions is based on the pre-inquiry investigative exercise and not on an inquiry under Section 8B of the Commissions of Inquiry Act which is neither feasible nor practicable. For, the Commission strongly feels that the role of the Commission is over in the sense that the Commission with the constraints and limitations inherent in its office, can do no more. The rest has to be done by the investigating agency."

Therefore, even according to Justice Thakkar, it is not under Section 8B of the Commissions of Inquiry Act, it is not a parallel trial. He said that it is a pre-inquiry investigative exercise. Madam, based upon the demand, we have now

[Shrimati Jayanthi Natarajan]

already got these two Reports before us. What else he has got, what else is going to be permitted, what is a report under the Commissions of Inquiry Act and what should be placed on the Table of the House, is a different issue. My submission is that whatever has already been placed, let us discuss that and go on with that. Number two, Madam, I am not referring to the proceedings of the other House. We understand that the Speaker is going to give a ruling whether the remaining pages of the Report have to be laid on the Table of the House or not. Therefore, Madam, until a ruling is given, we can continue with a discussion of this Report, and if something is forthcoming after that, then we can go ahead and discuss that as well. Until then, whatever has been laid on the Table of the House, we can discuss it on merits instead of discussing what constitutes a report or what does not, because even Justice Thakkar is not clear on the subject. *(Interruptions)* Madam, I have not yet finished. Madam, last time I raised a question and you said that you would find out and let us know because the hon. Leaders in the Opposition have made a point, and the statements have gone on record where it is said that this House is being taken for a ride because these papers were not offered to the Chairman for his inspection on the same day. My information is that those papers were offered for inspection by the Chairman on the same day as they were offered for the inspection of the Speaker. And if that information is correct, those statements made by those leaders of the Opposition have to be withdrawn because it was totally incorrect and not fair to have made those statements. *(Interruptions)* My information is that it was on the same day.

(Interruptions)

THE DEPUTY CHAIRMAN: Now the question is that one hon. Member suggests that whatever Reports have been laid on the Table of the House, the House may start discussing that, and as and when the other comes, we have tomorrow...*(Interruptions)*.

SHRI SUBRAMANIAN SWAMY: Madam, you said you would call me. I have been waiting.

THE DEPUTY CHAIRMAN: I will abide by my promise. But I also suggest that whatever has been laid on the Table of the House, we can start our discussion on that....

SHRI PARVATHANENI UPENDRA: Will you allow a preliminary discussion, pending a final discussion? If you allow an interim discussion, then we will go in for a final discussion later...

THE DEPUTY CHAIRMAN: I have heard "preliminary, interim, suggestions, volumes" too many times being repeated here and by every person. I am talking about neither interim nor preliminary nor final. I am only suggesting that as we have two days to discuss the Thakkar Commission and two volumes which are quite thick have been laid on the Table of the House, will it not be the consensus of the House to start a discussion on them?

(Interruptions)

SHRI PARVATHANENI UPENDRA: Madam, I raised a question. Can we call it an interim discussion? You have not answered. You suggested that we should start a discussion on the basis of the available things. Can we call it an interim discussion so that we can follow it up with a further discussion later?

THE DEPUTY CHAIRMAN: I do not know because, as Smt. Jayanthi Natarajan also pointed out...

SHRI N. K. P. SALVE: We have no objection to their calling it an interim discussion. Let us start the

discussion...*(Interruptions)* I am submitting without prejudice to their right to ask the Government to lay on the Table of the House. That right is there.

THE DEPUTY CHAIRMAN: Let the Minister say what he wants to say.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB) : We have to discuss the report of Thakkar Commission which the Government has already placed on the Table of the House for discussion of the Members.

SHRI PARVATHANENI UPENDRA : But the Minister has not moved the motion.

THE DEPUTY CHAIRMAN : He will move the motion.

SHRI SUBRAMANIAN SWAMY : Madam, I speak on behalf of the Janata Party.

THE DEPUTY CHAIRMAN : I don't know on whose behalf you speak.

SHRI SUBRAMANIAN SWAMY : You don't know I am the Janata Party? Of course, you know.

SHRI VITHALRAO MADHAVRAO JADHAV : We are not clear whether it is Janata Party or the Janata Dal is formed or not.

SHRI SUBRAMANIAN SWAMY: Janata Party was formed in 1977. I want to remind him. We do not know what the Dal is; Dal is *dal-badal* also.

Madam Deputy Chairman, the argumentation so far has been on legalistic grounds, almost as if you are sitting in the Supreme Court and arguments are being placed from both sides on what constitutes a report, the narrow or the wide angle, etc. But this House is not only a legislative body, it also represents the political will of the nation and is also, I may say, the conscience of the nation. Therefore, we have to look at it in a broad perspective. Speaking purely technically and purely legally, I have also talked to various people and good friends of mine in that profession who say that if the proceedings of a commission of inquiry are going to be made public, it will be very difficult in future for anyone to speak frankly before a commission of inquiry. That is the legal position. So, I would not be surprised if the Attorney-General gives his opinion in the other House that the report is what has been presented, and other things are papers and not the report. It may be legally correct. But the subject today is not an ordinary case of some murder somewhere or some big international conspiracy dealing with spies located in the Government. It is the case of Mrs. Indira Gandhi who was, as Prime Minister for almost 16 years, murdered by two of her security men, and which was a big political issue in 1984 elections. And, therefore, the question before the nation is, what is the truth! Now, as Mr. Salve said, the report is out. I have also verified that the report is out of the clutches of the Government in the sense that it is in the hands of the people who are in the newspaper business, and it is bound to be published. It will be published in dribblets. So, in view of the fact that the report is already out, I would say that looking at it from purely political angle, we must make it available to the Members of this House. I would like to record appreciation, I think we have forgotten Parliamentary niceties and etiquettes in this Opposition versus Congress. It is a fact that we demanded tabling of the report and it is a fact that the Prime Minister conceded and placed the report. So, it was something, I would say, for which he should be complimented that he responded to the Opposition demand and placed the report. But I would like him now also to recognise this new situation and in some form the entire remaining portions,

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whatever they are, may also be placed, though legally they would be right; they would be entirely right legally and technically to withhold the remaining portions of the report, but I would say, keeping the nation in view, keeping the conscience and the desire of the people in view.....

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): And also your desire.

SHRI SUBRAMANIAN SWAMY: Yes, and also my desire; but I want to know about you also, and when I start finding out about people, they get nervous. So, Madam, I would say that I would plead with the Government not to look at it purely legally but in the broad perspective of a national issue, and place the remaining portion of the report on the Table.

THE DEPUTY CHAIRMAN: Shri Madan Bhatia. (*Interruptions*) We have been discussing this matter from 11 a.m. onwards. It is almost quarter to one now. I do not know how long...(*Interruptions*). इतने हाथ उठे हुए हैं कि मुझे लगता है कि शाम तक यही होगा ...(व्यवधान)

डा० रत्नाकर पाण्डेय (उत्तर प्रदेश) : मैडम, एक मिनट का समय हमें भी दे दीजिए।

SHRI M. M. JACOB: Madam, the Motion is before the House.

THE DEPUTY CHAIRMAN: It is not there.

SHRI M. M. JACOB: It is there in today's agenda, to be moved by Mr. Buta Singh. The Government is prepared to take it up at the earliest, if you allow us to take it up.

THE DEPUTY CHAIRMAN: I think, we should take the consensus of the House. We could discuss it...(*Interruptions*).

SHRI M. S. GURUPADASWAMY: Madam, I made a request. I told you and the House that there are two choices before us. Either to have the entire material placed before us to have a discussion. Or, in the alternative the material which has not been placed can be obtained by the Chairman and shown to us. I am told, the Speaker is yet to give a ruling. He has got the report from the Attorney-General—this is my information—the report of the Attorney-General has been communicated to him. But the Speaker is yet to announce his decision. He has said that he will announce his decision in the course of the day. In view of all these things, I have said that the debate cannot start now.

SHRI PARVATHANENI UPENDRA : The Government has to react.*(Interruptions)*

THE DEPUTY CHAIRMAN : Shall we take the Special Mentions now?

SHRI MADAN BHATIA (Nominated) : Madam, you have called me...*(Interruptions)*

SHRI PARVATHANENI UPENDRA : We have given two alternatives.

(Interruptions)

श्री राम अवधेश सिंह : मैंने दिया था। मैं दो मिनट में बोल लूंगा।

डा० रत्नाकर पाण्डेय : मैंने शुरू में ही हाथ उठाया था, आपसे प्रार्थना की थी कि हमें बोलने का मौका दें।

उपसभापति : आपको भी दे देंगे। ये बोल रहे हैं। फिर एक दो के बाद दे देंगे।

SHRI N. E. BALARAM (Kerala) : Madam, you make up your mind. *(Interruptions)*You are changing your opinion.

THE DEPUTY CHAIRMAN : I am not changing my opinion.

SHRI N. E. BALARAM : We submitted a proposal. We discussed it in the Chairman's Chamber.

THE DEPUTY CHAIRMAN : What proposal?.

SHRI N. E. BALARAM : Not proposal. I would say, demand. You were present at the meeting. You know what we discussed.

THE DEPUTY CHAIRMAN: You know what the Chairman told you?.

SHRI N. E. BALARAM: We will be meeting the Chairman again at 4 p.m.

THE DEPUTY CHAIRMAN: Then why are we discussing it now?

(Interruptions)

SHRI DIPEN GHOSH : Madam, the proposal was that either the entire report is placed before the House or the portions which have not been placed before the House be shown to the leaders of Opposition parties and groups in Parliament; let them be taken into confidence. Then the discussion can start. Pending this, till the Government makes up its mind and let us know what is happening, let the discussion on this report be postponed. This was the proposal.

THE DEPUTY CHAIRMAN: You have said that you are going to discuss it with the Chairman again at 4 p.m. Whatever has been said in the House will go before the Chairman. I think till it is decided, we can go ahead with the other business before the House.

SHRI DIPEN GHOSH : That can be done.

SHRI PARVATHANENI UPENDRA: By all means.

SHRI MADAN BHATIA: Madam, may I be permitted? I have been called.*(Interruptions)*.

THE DEPUTY CHAIRMAN: Mr. Madan Bhatia, please. I have already permitted him.*(Interruptions)*

SHRI A. G. KULKARNI: Go ahead. Why are you silent?

SHRI MADAN BHATIA: I am being interrupted.

PROF. SOURENDRA BHATTACHARJEE (West Bengal): Mr. Bhatia, you are used to speaking amidst interruptions.

SHRI MADAN BHATIA: Madam, three issues have been thrown up in the course of the debate. One is, whether the entire report has been placed on the Table of the House or it has not been placed. The second is, it has been suggested by hon. Members from that side that assuming that the entire report has been placed on the Table of the House, still, to have a fruitful discussion, to have a fruitful debate, the entire material including the evidence recorded by the Commission should be placed on the Table of the House. The third submission which has been made is that if the Government is of the opinion that it will not be in public interest or in the interest of the security of the State to disclose this material, they should be shown this material and be satisfied that the disclosure of this material would impinge upon the security of the State or of public interest. So, these are the three points.

With regard to the first point, I would like to draw the attention of this hon. House that when 1952 Commission of Inquiry Act was enacted, there was no provision made in that Act for placing on

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the Table of the House the report of the Commission of Inquiry. What was the reason? The reason was the genesis of a commission of inquiry. The commission of inquiry was intended to be a body which would give its findings for the information of the Government, to enable the Government to make up its mind on a particular specific issue of public importance. The Government may accept its findings, Government may reject its findings before deciding whether an action in that particular direction is to be taken or not to be taken.

It was only in 1970 when the question of amendment of this particular Act came up for consideration that a Select Committee was formed. In the course of the proceedings of that Select Committee, Mr. Palkhivala was summoned as a witness and a question was put to him by one Member of the Committee. What do you say, what is your view about the placing of the report of the commission of inquiry on the Table of the House? And he expressed the view that it was very necessary that the 'report' of the commission—nobody demanded and nobody asked him about the proceedings or the evidence which was recorded by the commission—should be placed at least on the Table of the Lok Sabha. Then the Select Committee made a recommendation.

Now, it is an established proposition in law that there is a vital distinction between the report and the material or evidence on the basis of which the report is made. The Supreme Court had made this clear, I am submitting, in one of its latest judgements in which it says what a report is. I am submitting, it says that the report is a recommendation of the commission for consideration of the Government. It is an opinion of the commission based on the statements of witnesses and other materials. It has no evidenciary value. So, this is a 'report'. The report is like a judgement of the judge. The judgement of a judge does not mean the evidence recorded by the judge or the statements recorded by the judge. Similarly the report is an opinion, a recommendation made by the commission of inquiry. The Select Committee made a recommendation to the Government saying that the report of the commission should be placed on the Table of the Lok Sabha and an amendment to that effect should be made in the Commission of Inquiry Act.

This amendment which was proposed by the Select Committee was accepted by the Government and the Act was accordingly amended, knowing full well that there is a distinction between the 'report' and the 'proceedings' and there were rules which had already been framed under the Commission of Inquiry Act which made a distinction between the 'report' on the one hand and the 'proceedings' on the other.

Parliament in its wisdom restricted the provisions of sub-section (4) of section 3 to this effect only that the Government shall cause to be placed on the Table of the House the 'report of the commission on enquiry'. What is the expression 'report of enquiry'? Deliberately in its wisdom, the Parliament took this decision. Why did Parliament take this decision? Parliament took this decision because Parliament knew that a commission of inquiry may have to collect evidence from people who would otherwise not come before the commission to give the evidence unless they were assured secrecy.

This fact has been noticed by the Supreme Court in its judgement regarding Kehar Singh *versus* Delhi Administration. The Supreme Court makes a distinction between the report on the one side and the evidence and the statements recorded, on the other. The demand was made on behalf of the accused for the report and for the evidence and the statements on separate grounds. These were two independent

and different demands. The demand for the report was made on the ground that it is a relevant piece of evidence and they should be allowed to have an access to it. The Supreme Court said that this has no evidentiary value because the report is merely a finding and a recommendation made by the Commission of Inquiry. Then they said, "All right, at least we should be given an access to the evidence and the statements collected by the Thakkar Commission." The Supreme Court rejected that demand also. The ground for that demand was totally different. The Supreme Court rejected the demand on the ground that this evidence is totally inadmissible : Section 6 of the Commissions of Inquiry Act, in terms, says that there is only one exception provided by the Statute under which the statements and the evidence can be used and, that is, if any person has committed perjury. All other exceptions for the use of any evidence or any statements made before the Commission of Inquiry are totally inadmissible and prohibited under section 6.

SHRI YASHWANT SINHA : Inadmissible where?

SHRI MADAN BHATIA : I am respectfully submitting, on that basis the Supreme Court rejected that demand....(*Interruptions*)....Then the Supreme Court observed that it would be against the interests of the Commissions of Inquiry if such evidence was made public because many people were willing to give evidence before the Commissions of Inquiry on the assurance of secrecy. The very institution of the Commission of Inquiry will be demaged, jeopardized and may be destroyed if the evidence which is made before this Commission of Inquiry is made public. This is what the Supreme Court says. So, I respectfully submit that to say that the whole report has not been placed on the Table of the House has no legal basis whatsoever.

Secondly, the demand is made, "All right, law does not require us to place it on the Table of the House but, otherwise, for a fruitful discussion these documents should be made available." Do we understand the dangerous ramifications and consequences of such a step? Why did Parliament decide that only the report and not the proceedings shall be placed on the Table of the House? Every Member will be entitled to write his own report of inquiry, give his own opinion on the basis of the material placed before it. Every Member of the House will become a Commission of Inquiry. That is the dangerous consequence and that is why this material is not to be placed on the Table of the House. Further, I am respectfully submitting, there may be a very sensitive subject on which a Commission of Inquiry has been appointed, as in this case, and then... (*Interruptions*)... I have listened to you. I am expressing my views. Please hear me

SHRI DIPEN GHOSH : The Supreme Court is not, but the newspaper... (*Interruptions*)...

SHRI MADAN BHATIA : I am respectfully submitting, there may be a sensitive material and it is for the Government to decide about the disclosure of that material which was placed before the Commission of Inquiry. The Government may place the entire sensitive material to find out a fact for the information of its own mind. Because the Government wants to know, for the information of its own mind, what the real truth is, the Government may place all the sensitive material before the Commission, but the Government did not like that matter to be made public, and that is the reason. It is for the Government to decide whether disclosure of a particular material is against public interest and the security of the State or not. If the Government's decision is this, then the decision of the Government has to be final and, as my honourable colleague, Mr. Salve, has said, to say that

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there should be a selective disclosure to the leaders of the Opposition and not to other Members, would be nothing but an insult to the other Members of this honourable House. I reject it, I respectfully submit, this demand cannot be accepted. Thank you.

THE DEPUTY CHAIRMAN : Mr. Jethmalani.

SHRI RAM JETHMALANI (Karnataka) : Madam, even at the age of...

डा० रत्नाकर पाण्डेय : उपसभापति महोदया, मुझे भी इजाजत दीजिए।

उपसभापति : मैं आपको बुलाऊंगी। बारी-बारी से सब को बुलाऊंगी।

श्री शान्ति त्यागी (उत्तर प्रदेश) : महोदया, ये किस पार्टी के हैं ? ये किस पार्टी की ओर से बोल रहे हैं ?

डा० रत्नाकर पाण्डेय : महोदया, इंदिरा गांधी के हत्यारे के वकील को आप सदन में बोलने की अनुमति मत दीजिए । यह मैं आपसे प्रार्थना करता हूं । इंदिरा गांधी के हत्यारे के वकील को इस सदन से निकालिए । यह मैं मांग करता हूं ।... **(व्यवधान)**...

श्रीमती सूर्यकांता जयवंतराव पाटील (महाराष्ट्र): वह उनका अधिकार है।

SHRIMATI RENUKA CHOWDHURY : I object to this. How can they talk like this?

यह कैसा अधिकार है। यह आपका तरीका है। यह आपका संस्कार है। .....**(व्यवधान)**.....

डा० रत्नाकर पाण्डेय : महोदया, इंदिरा गांधी के हत्यारे के वकील को बोलने मत दीजिए, नहीं तो इस सदन की मर्यादा भंग होगी और संविधान के प्रतिकूल काम होगा।

SHRIMATI RENUKA CHOWDHURY : Madam. you give a ruling on this.

SHRI LAL K. ADVANI : This should not go on record.

श्री राम अवधेश सिंह : यह रिकार्ड में नहीं आना चाहिए।

SHRIMATI RENUKA CHOWDHURY : This should be taken off the record.

उपसभापति : आप बैठ जाइए । मेरी माननीय सदस्यों से गुजारिश है कि कृपया अपना स्थान ग्रहण करें।

श्रीमती सूर्यकांता जयवंतराव पाटील : महोदया, आप हमारे अधिकारों का रक्षण कीजिए ।

(व्यवधान)

श्री शान्ति त्यागी : आप अटल जी को बुलवाइए । वर्मा जी, आप बोलिए या किसी और को बुलवाइए ।

श्री कमल मोरारका (राजस्थान) : आप बैठिए, आप बैठिए। आप कौन हैं? **(व्यवधान)**

SHRI M. S. GURUPADASWAMY : How do you say that? He is an hon. Member of this House.

श्री यशवंत सिन्हा : अगर आपका यही रवैया रहा तो हम सदन की कार्यवाही नहीं चलने देंगे । यह मजाक बना रखा है आपने ?

श्रीमती सत्या बहिन (उत्तर प्रदेश) : महोदया .....**(व्यवधान)**..... नहीं बोल सकते हैं। .....**(व्यवधान)**.....

उपसभापति : सत्या बहिन, आप अपनी जगह पर जाइए।

SHRI A. G. KULKARNI : Madam Deputy Chairman, I am on a point of order. I would beg of my friends here: for Heaven's sake, don't introduce such an element. This is Parliament going for thousands of years. If we talk in the language in which my friends were

talking against Mr. Jethmalani, a time will come when it will be retorted. For Heaven's sake keep Parliament away from all this. For Heaven's sake, please, Ratnakarji, don't do it. This is not done. For Heaven's sake don't do it, please, Suryakantaji.

श्रीमती सूर्यकांता जयवंतराव पाटील : यह आप उनको भी समझाइए।

SHRI JAGESH DESAI : Madam, I am on a point of order. You say that there is less time. Now, from the Janata Party two Members have already spoken. (*Interruptions*)

SHRI YASHWANT SINHA : Many Members from the Congress Party have spoken.

DR. RATNAKAR PANDEY : He is a party.

(*Interruptions*)

THE DEPUTY CHAIRMAN : I am capable. Please sit down.

SHRI M. S. GURUPADASWAMY : Is it a crime that more than one speaker from the Janata Party is allowed to speak? Is it wrong that a second Member from my party speaks? (*Interruptions*)

SHRI VALAMPURI JOHN (Tamil Nadu) : Parliament has lost all its sanctity. Before your eyes it has been trampled upon because he has been allowed to say that he is a party in this House over which you are presiding.

(*Interruptions*)

He says he is a party. How do you allow it?

SHRI M. S. GURUPADASWAMY : Is it wrong that another Member of my party speaks on this issue?

SHRI VALAMPURI JOHN : How can it go on record? When he says that he is a party, how can you allow him to say that? The very sanctity of this House has been lost. (*Interruptions*)

SHRI M. S. GURUPADASWAMY : He has the right to speak. There is no question of any ruling. So many from the Congress Party have spoken.

SHRI N. K. P. SALVE : Madam, I want to submit categorically that it is an emotional issue. I would urge upon the Members ...

SHRI YASHWANT SINHA : What is emotional?

SHRI VALAMPURI JOHN : What is emotional ? All the sanctity of the House has been lost. You are casting aspersions.

(*Interruptions*)

SHRI N. K. P. SALVE : This is what I have to say.

(*Interruptions*)

1.00 P.M.

THE DEPUTY CHAIRMAN : Wait a minute. When Mr. Salve is speaking, please sit down. (*Interruptions*)

SHRI N. K. P. SALVE : Whatever may be our personal ...(*Interruptions*) I want to bring some sanity into the proceedings of the House. We may have our own views about somebody defending some accused somewhere else, but I would want two things to urge upon Members of my own party. We may have our own views, but as long as a person is a Member of this House, he has a right to speak. Secondly, to my own party members I want to submit, what is there to be scared of. I mean, let us not create an impression that we are scared of a very ....(*Interruptions*) We are not scared. Therefore, I submit, I urge, I plead, I implore of my own Members...

SHRI P. N. SUKUL : A person

[Shri P.N. Sukul]

efending the accused in the murder ase is in this House. It is a shame for ie whole House. (*Interruptions*)

SHRIMATI RENUKA CHOWHURY : If he does not want to listen) him, let him go out of the House. *Interruptions*)

SHRI N. K. P. SALVE : I, therefore, ery fervently implore and urge upon my arty members...

SHRI P. N. SUKUL : We are not :ared of him. We hate him.

SHRI YASHWANT SINHA : We ate you. We hate all of you. *Interruptions*)

SHRI M. S. GURUPADASWAMY : t is very funny that all these things hould go on record.

THE DEPUTY CHAIRMAN : I will ook into the record. If anything is nparliamentary, it will be looked after.

SHRI N. K. P. SALVE : Madam, I ant to submit ... (*Interruptions*)

SHRI P. N. SUKUL : We are not illing to listen to him.

SHRI RAM AWADHESH SINGH : 'ou hate Jethmalani. The whole nation ill hate you.

SHRI P. N. SUKUL : He may have a ight to speak. I concede it straightway. lut we have a right not to listen to him.

SHRI M. S. GURUPADASWAMY: 'ou cannot say that. He is as much a lember as you are. Don't arrogate ourself that far. You are really estroying the institution. Let me warn ou. (*Interruptions*)

THE DEPUTY CHAIRMAN: I nderstand that there are some emotions. I have very patiently allowed every Member regardless of their parties. I have allowed many Members from the ruling party and many Members from the Opposition parties, because it is a matter people are concerned with in this House. I would now very very humbly request the entire House to allow another two Members. I have already identified the two Members. Please allow them to speak. Then we can go ahead with the regular business of the House. We cannot also keep on speaking on a subject which we are discussing for the last almost one week. And I have not come across really any new point. So, there is no point in going on and on, on this. But I would request... (*Interruptions*) आप आज आए हैं राम अवधेश जी, आपके लिए तो सारे ही प्वाइंट नए होंगे, मगर जो इस हाऊस में सुन रहे हैं उन्हें पता है कि कौन से नए हैं, कौन से पुराने हैं। तो कृपया आप भी थोड़ा सब्र करिए। मिस्टर जेठमलानी के बाद। I am asking one or two members and that is all.

SHRIMATI RENUKA CHOWDHURY: And as a woman Member I have been asking since morning.

THE DEPUTY CHAIRMAN: O. K. Women will also be allowed. We are not discussing in this House on the basis of sex, caste, creed or religion.

SHRIMATI RENUKA CHOWDHURY: I am glad to say that you are doing it. But what about that side?

SHRI P.N. SUKUL: You have a right to speak. But we have a right not to listen to you.

SHRI SATYA PRAKASH MALAVIYA: Then, you walk out ... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Don't unnecessarily... (*Interruptions*)...

SHRI RAM JETHMALANI: I am going to make a public statement, Madam. It is your duty to protect me.

THE DEPUTY CHAIRMAN: Well, my duty is to protect the entire House.

SHRI RAM JETHMALANI: But you see, what has happened? ... (*Interruptions*)...

SHRI RAM JETHMALANI: Now, Madam Deputy Chairman, what is a report is a problem which, according to me, is more a problem of commonsense and pragmatic requirements of the present situation than a technical problem of law. If it is to be treated as a problem of law, even then there are conclusive considerations which do not and cannot admit of any controversy that this is a report which has been produced only in part and what is being withheld is equally and perhaps more so a report. Now, I say this in spite of the fact that I have heard views of Mr. Salve and I am glad that he is here today.

Madam, what is a report, does not depend on what Mr. Thakkar thinks is a report. The first question is: What did the Government think on this issue? I want to tell this House that there is conclusive evidence of what the Government itself thought is constituted by the word "report". When the Thakkar Commission finalised its report and the obligation of placing it before the House was to be performed, the Government in its wisdom thought to persuade the Parliament to pass legislation taking on powers to withhold it from this House. An Ordinance was passed and under the Ordinance a notification was issued on 15th May, 1986 which conferred powers upon the Government in public interest or on grounds of national security to keep back the report from the Parliament. The question is: relying on that notification, what did the Government keep back? Did they keep back 8,000 pages or did they keep back only 600 pages or 700 pages which they have now produced? What was withheld as a result of the notification must be disclosed on the notification being repealed. In other words, the notification said that you are entitled to keep back the report on the ground of national interest. Taking advantage of that notification, you withheld all the 8,000 pages. Therefore, you yourself considered all the 8,000 pages as the report because the notification permitted only the report to be withheld. Now, that notification is gone...(*Interruptions*)... You please listen. We don't disturb you. We listen to you and I hope that at least my lawyer friend who was there... (*Interruptions*)... Don't worry about it. You will hear about it. If you prevent me from speaking here, you cannot prevent me from speaking elsewhere and I will speak.

Now, the second reason, Madam, is that every report is a dcoument which is supposed to be debated publicly and in Parliament on the assumption that the document is to be placed before this House. Suppposing the controversy about the whole and part did not arise. The Commissions of Inquiry reports will have to be analysed carefully, probed carefully. It is well known how even recommendatory functions discharged by a Commission of Inquiry can be subjected to scrutiny and criticism. It is well settled that you can criticise a report on the ground that the report has failed to consider relevant material which was available but the Commission did not apply its mind to that relevant material. Now, how does Parliament discharge that function? How can any Member of Parliament ever acquaint himself with non-application of mind by the Commission to vital testimony which was available but which is not reflected in the reasoning of the Commission? For that purpose, the entire material must be available to the Members so that the Members would know that the Commission ignored a vital part which

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remained tucked away in the records. Thirdly, you can always attack the Commission's findings on the ground that the Commission has been influenced by irrelevant and inadmissible considerations. How do you perform that task unless the whole record is available? The fourth and the most important ground is that we are entitled to challenge the moral and the legal validity of the recommendations of the Commission on the ground that the Commission followed procedures which were oppressive, which were unjust, which were incompetent or which were inadequate. Now, all these tasks cannot be performed unless the daily operations of the Commission are known to the Members. We must know exactly what was done on a particular day, what was done on the second day, what documents came, what answers came, how the documents were brought, how the answers were extorted or procured and so on and so forth.

Now, I am not suggesting that anything of that kind happened in the Thakkar Commission's report. I am merely arguing that theoretical proposition that the Commission's findings *prima facie* are recommendatory, that they are capable of being challenged on well-known considerations known to every student of administrative law; but that function cannot be discharged unless the full record is present before the House to enable it to apply its own mind. Then, Madam, the Commission of Inquiry, as one of the distinguished lawyers has said, is really a quasi judicial tribunal which delivers its own judgment but with the result that the judgment is not technically binding upon the persons concerned. The judgment consists of a series of conclusions which are of the nature of recommendations. Now, it is well known and every student of law knows that where the final conclusions of any expert are relevant, the grounds upon which the expert opinion is founded, are equally relevant if not more relevant, because you cannot possibly examine the foundation of an opinion until and unless you know the ground and the material on which that opinion is based. Therefore, to my mind, looking at it as a pure problem of common sense, it is impossible to disassociate the witnesses, the deposition, the exhibits, the documents, the various other evidentiary material that came before the Commission from the report. Now, lastly, Madam, there are two more points which remain to be dealt with and out of a sense of chivalry, I should have dealt with one of them at first because it was raised by the very charming lady from Tamil Nadu, a distinguished Member and a distinguished lawyer. I should have dealt with it at first but that is the last point that I would deal with.

Every lawyer knows and every person who exercises his common sense knows that when one document refers to another, the second document becomes, by incorporation, a part of the first document. The Commission itself in the final report on page 7 says, "material gathered and incorporated in the report touches on a number of sensitive matters". Now, all the material gathered by the Commission is incorporated in the report and I want to read out. My distinguished friend, Mr. Bhandare, is here. The doctrine of incorporation is known in several branches of law and I want to read a small four line passage from a judgment of the Supreme Court: "If there are any documents, statements or other materials, relied upon in the grounds of detention, they must also be communicated because, being incorporated in the grounds, they form part of the ground and the grounds furnished cannot be said to be complete without them". Now, this is a doctrine, a doctrine of law and every lawyer knows about it and if a Commission of Inquiry, in its final report, says that it has recorded the evidence of so and so that it has got so many documents in its possession, that it has gone through 8,000

pages of material, that material by reference is incorporated and becomes a part of the report and cannot be disassociated as a matter of law from what is called the report. Technically, in some situations, for certain purposes, a report is different from the depositions and the materials because they are written on different pages, they are written in different parts of the same volume. But, for other purposes, when you are considering the report which has to be discussed by the House, every part, every material, everything that went into and influenced the mind of the Commission, has has got to be put before us.

Lastly, Madam, I want to deal with an argument which is rather strange, an argument coming from a distinguished lawyer. She said that Mr. Thakkar himself stated in his report that this is not a report under the Commissions of Inquiry Act. My sense if chivalry prevents me from using the sarcasm which I would normally use for such an argument. If Mr. Thakkar was not acting under the Commissions of Inquiry Act, under what law was he acting? If Mr. Thakkar did not make the report under the Commissions of Inquiry Act, why did you amend the Commissions of Inquiry Act and then issue a notification under the Commissions of Inquiry Act and said that this is a report under the Commissions of Inquiry Act and shall not be produced before Parliament? I would even call it ... My sense of chivalry prevents me from using that kind of language.

Lastly comes Mr. Salve's great theory of public interest. Now, Madam, Deputy Chairman, the right to know the contents of a report is a part of the people's right to know. The right to know was not expressly enacted in the Constitution of India. But slowly, by judicial decisions, this right has now been recognised and from 1975 onwards, the right to know resides in every citizen of India. It resides collectively in sections of the citizens of India and collectively in the entire nation. The nation has the right to know how the Government is acting, how Government agencies acted, how every bureaucrat acted and how Ministers reacted to the actions of bureaucrats. The people of this country are entitled to know and our Supreme Court has now said that the right to know is derived from Article 19(1) (a) of the Constitution. It is part of the freedom of expression because you cannot express ignorance. You must have light, you must have knowledge. Therefore, Madam, if it is part of the freedom of expression, then it can only be restricted under Article 19 (2) of the Constitution of India. And Article 19 (2) talks of sovereignty, friendly relations and security of the State. And lastly, it deals with public order, but not with public interest. Under Article 19 (2) you cannot restrict fundamental rights on the ground of public interest, but only that kind of public interest which is limited to sovereignty, friendly relations, security of the State, morality and other considerations which are expressly mentioned in Article 19 (2).

SHRI N. K. P. SALVE : And who decides that?

SHRI RAM JETHMALANI : The Supreme Court, not you. And therefore, Madam, merely because the government says that it is in public interest to withhold it, a matter cannot be withheld because the Government is not the final judge of the fundamental rights of the people of this country. The whole theory of our Constitution is that ultimately the fundamental rights are for the people to assert. *(Interruptions)*. My distinguished friend, Mr. Madan Bhatia, said that the Supreme Court has itself recognised that a report is different from a document. *(Interruptions)*

कुमारी सईदा खातून (मध्य प्रदेश): मैं कहना चाहती हूं कि ये हाउस में ... **(व्यवधान)**

SHRI RAM JETHMALANI : Madam, I had a much higher opinion of the fair sex. But this is the representative of the fair sex. That is one. It is very surprising that I should hear this language from a lady. It is very surprising.

THE DEPUTY CHAIRMAN : Mr. Jethmalani, please conclude now.

SHRI RAM JETHMALANI : I am concluding. I say this now for the benefit of Mr. Salve and the Members sitting on the Treasury Benches. The more you try to suppress this document, the more misunderstanding you will create. If I were the Prime Minister, I would disclose it. If I were the Prime Minister's adviser, I would advise that he disclose it. (*Interruptions*). Madam, I wish only to draw attention to one thing. I want all Members of the Treasury Benches to read page 38 of the latest issue of the 'London Economist'. Please go through it and this is the kind of misunderstanding which you are creating about your own Prime Minister. It is my advice to you. Please accept the thesis that no democracy can work without an open Government and the more secrecy you observe, the more you will be liable to be misunderstood and sometimes, even innocent people will be misunderstood. *(Interruptions)*. Please produce this Report...*(Interruptions)*... Please produce this Report and come out clean...*(Interruptions)*...

SHRI SYED SIBTEY RAZI : If you are an honest person then argue on the basis of page 3...*(Interruptions)*...

SHRI RAM JETHMALANI : Madam, under the Cabinet form of Government, can we not get the full Report? Kindly tell the House...*(Interruptions)*...

SHRI SYED SIBTEY RAZI : Argue on the basis of what is here on page 3...*(Interruptions)*...

SHRI RAM JETHMALANI : I am not yielding...*(Interruptions)*... Please sit down...*(Interruptions)*... I am not yielding...*(Interruptions)*...I cannot argue with people who cannot even read a document...*(Interruptions)*...

SHRI SYED SIBTEY RAZI : Please argue on the basis of page 3 of the Report...*(Interruptions)*...

THE DEPUTY CHAIRMAN : Mr. Jethmalani, I would like to request you to discuss whether this is the Report or not. But don't go on giving sermons on what the Government should do and what it should not do... *(Interruptions)*...

SHRI RAM JETHMALANI : Although I know that you are talking of public interest, public interest is served by furthering the interests of democracy,... *(Interruptions)*... public interest is served by the people's right to know and public interest is served by letting the people know the character of the Government... *(Interruptions)*...

THE DEPUTY CHAIRMAN : Let the Government decide what it is going to do. But you reserve your right to yourself. Now, Mr. Bhandare... *(Interruptions)*...

SHRI V. NARAYANASAMY (Pondicherry): We know what to do and what not to do. Madam, they cannot decide that, they are sitting on the other side only...*(Interruptions)*...

ठाकुर जगत पाल सिंह : इंदिरा जी के हत्यारों को बचाने के लिये प्लीड कर रहे हैं और आज इनको दर्द हो रहा है।

THE DEPUTY CHAIRMAN : Now, Mr. Bhandare is on his legs and let him reply. After that it is going to be adjourned.

श्री राम अवधेश सिंह: इनके बाद मुझ को मैडम। नहीं तो मैं बाधा डालूंगा।

उपसभापति : बैठिये । बाधा-वाधा कुछ नहीं होगा।

श्री राम अवधेश सिंह : दो मिनट का समय दे दीजिये।

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): Thank you, Madam, Deputy Chairman. I see in today's List of Business that we have a substantive motion to be moved by the Home Minister for taking into consideration the Interim Report and the Final Report. Now, arising out of this substantive motion, certain points have been raised... *(Interruptions)*...

THE DEPUTY CHAIRMAN : Order, please, in the House...*(Interruptions)*... Mr. Bhandare is making his submission... *(Interruptions)*...

SHRI MURLIDHAR CHANDRAKANT BHANDARE : I cannot go on in the midst of this, Madam,... *(Interruptions)*...

THE DEPUTY CHAIRMAN : Yes, Mr. Bhandare, you continue.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM : What can we do, Mr. Bhandare? Your party Members have deserted you! What can we do?...*(Interruptions)*...

THE DEPUTY CHAIRMAN : You kindly do not bother about his party Members; let him bother about it. Yes, Mr. Bhandare.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Madam, the very fact that the Government has conceded a full discussion on this Report should make it amply clear that we are not afraid of any discussion on the Report. A very facile argument has been made. I am not here for any technicalities. I am here for substance of the matter. But, Madam, we are all legislators. We make the law and we must interpret the law as we made it, and it is something very surprising when I heard them say, "Well, this is not the law". The obligation to lay this Report on the Table of the Lok Sabha arises out of a statutory enactment which we ourselves have made and what the requirement of that statute is not a matter merely of saying that this is a technical matter and not a matter of substance. If one were to look at law in that fashion, the law would be flouted every day. I appeal to my friends on the other side that they may make their demand in a better form which I will suggest after I have done with my submission today. But, to say that what has not been produced is a part of the Report or that the whole of the Report has not been produced is something *ex-facie* contrary to the provisions of the Commissions of Inquiry Act. Therefore, kindly see the provisions of the Commissions of Inquiry Act. What does it say? Kindly see section 3 of the Act. First look at the power of the Government. What does this section say? It says:

> "The appropriate Government may, if it is of opinion that it is necessary so to do, and shall, if a Resolution is passed in this behalf by the House of People, as the case may be...appoint a Commission of Inquiry for the purpose of making an inquiry into any definite matter of public importance and perform such functions...."

The rest I may not read.

Therefore, what is entrusted to the Commission of Inquiry is the conducting of an inquiry into a matter of definite public importance. And after having done this, one finds the obligation of the Government under sub-section (4) of section 3: The appropriate Government shall cause to be laid before the House of the People, or as the case may be, the report, if any, of the Commission on the

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inquiry made by the Commission made under sub-section (1).

Therefore, the law itself makes a distinction between an inquiry and a report. Let anybody see. The report is no better than the final judgement. If you look at the dictionary meaning, it is very clear. It is merely the opinion of the Commission of Inquiry which forms the report. And if you look at the whole thing from that angle, because we are ultimately creatures of statute, I think we are falling into a trap because what we decide today will be laid down as a precedent for all times to come. When the hon. Member, Mr. Gurupadaswamy, made his objection, I repeatedly asked him: when the various committees of Parliament place their reports do they contain also the depositions and other proceedings? I tell you that they never contain these. I tell you what was done in the Warren Commission's report, which is one of the highest Commissions of Inquiry conducted anywhere in the world. And this is under the chapter 'the Commission's Report'. And this is what Chief Justice Warren says:

> "With this report the Commission is submitting the complete testimony of all the witnesses who appeared before the Commission or gave sworn depositions or affidavits, the accompanying documentary exhibits, and other investigative materials which are relied upon this report..."

Kindly see the distinction which is made between the report which is the final conclusion or the final opinion of the Commission of Inquiry and the rest of the material on which that final conclusion is made. Therefore, to that extent if anybody says that there has been a failure of the obligation of the Government to place the report under sub-section (4) of section 3, I think that argument has to be rejected out of hand. I cannot see as to how this obligation flows from sub-section (4).

Now comes the second aspect which has been so eloquently put by many Members on the other side. We fully know that nobody is really interested in 7000 pages, because I will tell you that everyday we file appeals before the Supreme Court or High Courts, and all that we produce is the judgement. In extreme cases, in one out of 1000 cases, somebody will take the care or the trouble of putting the entire record before the Supreme Court. On the judgement or opinion given by the court below, the Supreme Court says: yes, we can debate and decide what should be done. Very often the matter is finally decided, and...

SHRI MOHINDER SINGH LATHER (Haryana): Mr. Bhandare, the case you cannot argue without the record, without the evidence.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: That is what we are doing everyday in the Supreme Court and in High Courts. I am willing to agree if my friend Mr. Jethmalani, for whom I have very great regard, contradicts me. It is only the judgement everyday. The point which I am making is whether a debate is or is not possible on the basis of this report contained in these two volumes, *viz.*, the Interim Report and the Final Report. Let me tell you that if you want to make a political capital out of it, you can do so.

On the basis of the second argument also, I must reject it on principle. My friend, Mr. Dipen Ghosh, says that the remaining material will be available in the streets of Janpath. I am also totally distressed that a highly confidential document should find its way to some newspaper or find its way clandestinely into the hands of those who are not supposed to make any legitimate use of it. I fully appreciate that selective cases are bad. I fully appreciate the argument that when it has already leaked out, it is much better to publish it ourselves. I also

recognise that under our system, the Government has to perform its own functions. Since the document has leaked out and since that things which are very sensitive or are very secret in their very nature have leaked out, can the Government say: "All right, we abdicate our functions and you take whatever you want or we will keep them in the library"?

SHRI MOHINDER SINGH LATHER: How is the newspaper better than a Member of Parliament?

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I am on a principle. That is why I suggest two methods. Let us go on with the debate. If at any time you find that you need a particular document, we will look into it. You will look into the document required as the Presiding Officer decides. I am also in favour of the right to know. When I concluded my last speech on the 5th of August, 1986, I said that a time would come when this notification would be annulled and the report would be known to everyone. It is not ordinarily that evidence is kept back. I quote Rule 86 of our own Rules of Procedure which says that even a Select Committee can withhold the evidence from the entire House. I can tell you why. Take a case in which the Select Committee is going into a law of rape. Two ladies come and give evidence on the custodial rape and they say: "Please treat it as confidential". That is treated as confidential by the Select Committee. We cannot make a grievance of it. Under the rules, you cannot ask a question on a matter which is considered to be secret. The question is disallowed. Therefore, the right to know is always subject to larger considerations which are mentioned in Article 19(2) itself. Why is there no unlimited, unabridged and completely free right to speech, right to freedom or right to expression? I want to put in a very strong caveat when any member says that we cannot discuss this report without the other material. Madam, suppose in the evening today you decide: All right, you make these 7000 pages available to them and we will go on with the discussion tomorrow. Short of one of us being God, nobody can read 7000 pages overnight. I know that they have all those 7000 pages in their possession. Probably some of them have made notes and all that. If you are prepared to go in for a debate tomorrow and if late in the evening today 7000 pages are disclosed to you, then it is (a) exposes the motive for which you are asking those pages and (b) a total fallacy that you need those 7000 pages for a very effective debate on these two volumes.

One other question has been raised on which I must make my submission.

THE DEPUTY CHAIRMAN: Please be brief because we have to adjourn for lunch.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: What happens? Ultimately we are a system wherein secrecy or withholding of documents is recognised by the Constitution. It is recognised by various Acts, and whatever may be the freedom, that freedom has to be restricted so that it clearly protects the freedom of every individual. Always the freedom has to be restricted so that greater and greater freedom can be enjoyed by larger and larger number of people. Otherwise, what will happen is that you remove the restrictions and you will only have defamation. But that freedom is made subject to defamation. Therefore, I am making this suggestion that you go along with the debate today. If anybody finds that he wants a particular document, we consider that request. But on the question as to who will decide whether this is secret or not, I think, the correct procedure would be as to what has been done in the other House. The Presiding Officer, the Chairman or you, Madam, as the Deputy Chairman will decide whether these documents come within that

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extremely narrow category, though it is narrow, it is a considerable abridgement. Therefore, on the freedom of speech, you will consider and not they. I totally disagree that any Member should be allowed to look at it. If we do not have the confidence in the Chair itself, I don't think that it is worthwhile continuing any proceedings. Therefore, so far as that is concerned, the question of what we call in the courts of law as the privilege or the question of admissibility or the question of the Government making the document public, I think, it should be left entirely to the discretion, to the decision and the ruling of the Chair. Therefore, I would submit that we should go on with this Report which is very important. Apart from who were the assassins, it contains very, very important issues which we can discuss like the security, the functioning of the various bureaucratic and police agencies. I think there should be no delay in discussing it. And I would appeal to the Members of the Opposition that we should start with the debate today at 4 o' clock or whenever the Chair finds it convenient to give us time.

THE DEPUTY CHAIRMAN: Now the House stands adjourned for lunch till 2.30 p.m.

The House then adjourned for Lunch at twenty eight minutes past one of the clock.

The House reassembled after lunch at thirty-three minutes past two of the clock, **the Vice-chairman (Shri Satya Prakash Malaviya)** in the Chair.

SPECIAL MENTIONS

Non-payment of D. A. to Employees of National Consumer Co-operative Federation

श्री ईश दत्त यादव (उत्तर प्रदेश): माननीय उपसभाध्यक्ष जी, सरकार के कर्मचारियों के प्रति दोहरी और भेदभाव-पूर्ण नीति की ओर मैं आपके माध्यम से सरकार का ध्यान आकृष्ट करना चाहता हूं।

मान्यवर, इस देश में महंगाई बेतहाशा बढ़ती चली जा रही है और आदमी का जीवन चलाना, दैनिक वस्तुओं को प्राप्त करना इस महंगाई के जमाने में अत्यन्त ही कठिन हो गया है। सरकार ने कुछ निर्णय लिया था सरकारी कर्मचारियों के वेतन और महंगाई भत्ते के संबंध में, परन्तु इसका लाभ राष्ट्रीय उपभोक्ता सहकारी संघ के कर्मचारियों को अब तक नहीं मिला, जो खाद्य और आपूर्ति मंत्रालय के अंतर्गत आते हैं। यह राष्ट्रीय उपभोक्ता सहकारी संघ के कर्मचारी, जो खाद्य और आपूर्ति मंत्रालय के अंतर्गत आते हैं, इनको जनवरी, 1987 से लेकर जून, 1988 तक बढ़े हुए मंहगाई भत्ते की किस्त की अदायगी अभी तक नहीं की गयी है। साथ ही चतुर्थ वेतन आयोग की जो सिफारिशें इन कर्मचारियों के संबंध में हैं, वह भी अब तक लागू नहीं की गयी हैं। संशोधित वेतनमान के अनुसार इन कर्मचारियों को भुगतान नहीं मिलने के कारण उनमें असंतोष है क्योंकि मंहगाई की मार के कारण वे परेशान हैं। अतः यदि उन्हें बढ़े हुए वेतनमान के अनुसार महंगाई भत्ते का भुगतान नहीं किया जाता तो आशंका इस बात की है कि ये कर्मचारी आंदोलनरत हो जाएंगे जिससे कि इस विभाग के ऊपर बुरा प्रभाव पड़ सकता है।

मान्यवर, इसलिए मैं सरकार से मांग करता हूं कि राष्ट्रीय उपभोक्ता सहकारी संघ के कर्मचारियों को जनवरी, 1987 से लेकर जून, 1988 तक बढ़े हुए मंहगाई भत्ते का भुगतान किया जाए और साथ ही चतुर्थ वेतन आयोग की सिफारिशों के अनुसार इनके वेतनमान को अविलम्ब संशोधित कर उसका भी पूरा भुगतान किया जाए।

Demand for terminating Sahyadri and Mahalakshmi Expresses at Bombay V. T. instead of at Dadar

श्री विश्वासराव रामराव पाटिल (महाराष्ट्र): महोदय, मैं आपके माध्यम से इस लोक महत्व के प्रश्न को उठाना चाहता हूं। महोदय, पहले साउथ सेंट्रल रेलवे के अंतर्गत कोलापुर से सहयाद्री और महालक्ष्मी दो एक्सप्रेस गाड़ियां निकलती थीं और वी० टी० आती थीं। इन दोनों गाड़ियों में कोलापुर से आनेवाले सभी कचहरियों और मंत्रालयों के कर्मचारियों के साथ एम० पीज० और एम० एल० एज० को भी बंबई और वी० टी० स्टेशंस पर आना पड़ता है। अब इसे चेंज कर देने से गाड़ियां दादर पर ठहरने लगीं। वहां से टैक्सी से आने में